S.B. Civil Writ Petition No.6840/02

24.01.2007

Hon'ble Mr. Justice Mohammad Rafiq

Mr. Kedar Solanki for petitioner.
Mr. B.S. Chhaba, Dy. GA for respondent.

Heard learned counsel for the parties.

It appears from the perusal of the writ petition that this writ petition has been filed by the petitioner against the order dated 6.3.2002 passed by Mining Engineer, Alwar and the notice of auction sale dated 26.10.2002 published by Mining Engineer (Recovery), Alwar. The petitioner has substantially raised the same issue before the Government in the revision petition filed under Rule 47 of the Rajasthan Minor Mineral Concession Rules. He had to file the present writ

petition because the Presiding Officer competent to hear the revision namely Dy. Secretary was then under transfer and therefore no interim relief having been granted to him, the Mining Engineer (Recovery) issued the notice for auction. This Court by its order dated 4.10.2002 stayed the operations of the aforesaid notice. The stay order was however modified after hearing both the parties on 20.4.2006 directing that the recovery against the petitioner by means of auction shall remained stayed provided the petitioner deposited 50% of the amount due within a period of four weeks and submits a solvent security for the balance amount to the satisfaction of the Mining Engineer (Recovery). Learned counsel for the parties however informed that petitioner has since deposited the

entire amount of recovery.

In the facts of the case I do not deem it appropriate to entertain and decide the writ petition on merits. However the revisional authority is directed to consider and decide the same within a period of 6 months from the date copy of the judgment is produced before him.

With these observations, the present writ petition is disposed of with no order as to costs.

(Mohammad Rafiq),J.

Rs/-